

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0820-IHW-E TCEQ ID: RN104791421 CASE NO.: 33457
RESPONDENT NAME: INEOS AMERICAS LLC

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> USED OIL	<input type="checkbox"/> WATER RIGHTS
<p>SITE WHERE VIOLATION(S) OCCURRED: 2001 Gulfway Drive, Bldg. 1746, Port Arthur, Jefferson County</p> <p>TYPE OF OPERATION: cumene production facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired December 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Tom Greimel, Waste Enforcement Section, MC 128, (512) 239-5690 TCEQ Regional Contact: Mr. Derek Eades, Beaumont Regional Office, MC R-10, (409) 899-8705 Respondent: Mr. Ron Deakins, Vice-President of Operations, INEOS Americas LLC, 1021 Main Street, Ste. 1150, Houston, Texas 77002 Respondent's Attorney: Mr. John J. Vay, 1250 Capital of Texas Highway South, Building 3, Ste. 400, Austin, Texas 78746</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 26, 2006</p> <p>Date of NOE Relating to this Case: December 22, 2006</p> <p>Background Facts: The case was referred to the Litigation Division on October 4, 2007. The EDPRP was filed November 5, 2007. The Respondent filed an answer on November 28, 2007. The agreed order was signed September 26, 2008.</p> <p>Current Compliance Status: No outstanding technical requirements.</p> <p>IHW:</p> <ol style="list-style-type: none"> Failed to complete hazardous waste determinations [30 TEX. ADMIN. CODE § 335.62 and 40 CFR § 262.11]. Failed to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal [30 TEX. ADMIN. CODE § 335.9(a)(1)]. Failed to update the Facility's Notice of Registration [30 TEX. ADMIN. CODE § 335.6(c)]. Failed to properly complete hazardous waste manifests [30 TEX. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a)(1)]. Failed to maintain an adequate contingency plan [30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.52]. Failed to maintain accurate records of RCRA training of Facility personnel [30 TEX. ADMIN. CODE § 335.69(a)(4), and 40 CFR §§ 262.34(a)(4) and 265.16(d)(4)]. 	<p>Initial Calculated Penalty: \$8,600</p> <p>Total Assessed: \$6,880</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$6,880</p> <p>The Respondent paid the \$6,880 administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Explanation for Initial Calculated Penalty Reduction: The penalty was reduced \$1,720 in consideration of the risk of litigation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> Conducted a hazardous waste determination for the cumene unit's wastewater; Implemented a program to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal; Updated the Facility's Notice of Registration; Implemented a program to begin properly completing hazardous waste manifests; Updated the Facility's contingency plan; and Began maintaining accurate records of RCRA training of Facility personnel.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES	Assigned	3-Jan-2007	Screening	8-May-2007	EPA Due	25-Mar-2007
	PCW	27-Sep-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	INEOS Americas LLC
Reg. Ent. Ref. No.	RN104791421
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	33457	No. of Violations	6	
Docket No.	2007-0820-IHW-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Thomas Greimel	
Multi-Media		EC's Team	Enforcement Team 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$8,600

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes No change due to Average Performer classification.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$81 **Subtotal 6** \$0
Approx. Cost of Compliance \$3,000 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$8,600

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$8,600

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$8,600

DEFERRAL 0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral given for non-expedited cases.

PAYABLE PENALTY \$8,600

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No change due to Average Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.62 and 40 Code of Fed. Regulations ("CFR") § 262.11

Violation Description

Failed to complete hazardous waste determinations. Specifically, the Respondent has not conducted a hazardous waste determination for the cumene unit's wastewater unit, as documented during an investigation conducted on October 26, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment will or could be exposed to pollutants which would exceed protective levels.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 1

194 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$5,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent INEOS Americas LLC
Case ID No. 33457
Reg. Ent. Reference No. RN104791421
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	26-Oct-2006	5-Dec-2007	1.1	\$2	\$37	\$39
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	26-Oct-2006	8-Nov-2006	0.0	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to conduct a hazardous waste determination on the cumene unit's wastewater calculated from the investigation date to the projected date of compliance. \$1500 is the estimated cost to obtain complete documentation for waste determination and classification of three waste streams calculated from the investigation date to the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$42

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 335.9(a)(1)

Violation Description

Failed to keep records of all hazardous waste activities and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Specifically, there was insufficient documentation for waste determination and classification of waste streams 0007512H, 0001409H, and 0002301H, as documented during an investigation conducted on October 26, 2006

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Over 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

194 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$300

Three single events (one per waste stream) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$39

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent INEOS Americas LLC

Case ID No. 33457

Reg. Ent. Reference No. RN104791421

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	26-Oct-2006	5-Dec-2007	1.1	\$2	\$37	\$39
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's NOR calculated from the investigation date to the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$39

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration ("NOR"). Specifically, the NOR did not contain updated information regarding the Facility's primary contact information, process wastewaters, and the T-2000 wastewater management unit, as documented during an investigation conducted on October 26, 2006

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1%

Matrix Notes

Over 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

14 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$300

Three single events, one for each incomplete manifest, are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent INEOS Americas LLC

Case ID No. 33457

Reg. Ent. Reference No. RN104791421

Media Industrial and Hazardous Waste

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	26-Oct-2006	8-Nov-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to correctly fill out hazardous waste manifests calculated from the investigation date to the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$0

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 335.10(c) and 40 CFR § 262.20(a)(1)

Violation Description

Failed to properly complete hazardous waste manifests. Specifically, box I on manifest numbers 3918930, 3773014, and 3773013 did not contain the Texas Waste Codes, as documented during an investigation conducted on October 26, 2006

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
	Major	Moderate	Minor
Release Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1%

Matrix Notes

Over 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 3

14

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$300

Three single events (one per manifest) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent INEOS Americas LLC

Case ID No. 33457

Reg. Ent. Reference No. RN104791421

Media Industrial and Hazardous Waste

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	26-Oct-2006	8-Nov-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's contingency plan with a list of all emergency equipment on site, and the location and description of this equipment calculated from the investigation date to the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 335.112(a)(3) and 40 CFR § 265.52(e)

Violation Description

Failed to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site, and the location and description of this equipment, as documented during an investigation conducted on October 26, 2006

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
				x

Percent 1%

Matrix Notes

Over 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

14 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$200

This violation Final Assessed Penalty (adjusted for limits) \$200

Economic Benefit Worksheet

Respondent INEOS Americas LLC

Case ID No. 33457

Reg. Ent. Reference No. RN104791421

Media Industrial and Hazardous Waste

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	26-Oct-2006	8-Nov-2006	0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to record the number of hours of RCRA training taken by Facility personnel calculated from the investigation date to the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 8-May-2007

Docket No. 2007-0820-IHW-E

PCW

Respondent INEOS Americas LLC

Policy Revision 2 (September 2002)

Case ID No. 33457

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN104791421

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Thomas Greimel

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(4) and 40 CFR §§ 262.34(a)(4) and 265.16(d)(4)

Violation Description

Failed to maintain accurate records of RCRA training of Facility personnel. Specifically, the amount of RCRA training of Facility personnel on October 23 and 24, 2006 was not recorded, as documented during an investigation conducted on October 26, 2006

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 25%

Matrix Notes

Over 70% of the requirement was met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

14 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	1

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent INEOS Americas LLC

Case ID No. 33457

Reg. Ent. Reference No. RN104791421

Media Industrial and Hazardous Waste

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to properly dispose of 3500 gallons and 71 barrels of hazardous waste resulting from the cumene production process calculated from the date of the first shipment to the investigation date.

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN602805236	INEOS Americas LLC	Classification: AVERAGE	Rating: 2.00
Regulated Entity:	RN104791421	INEOS PHENOL A DIVISION OF INEOS AMERICAS	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		EPA ID	TXR000065730
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		SOLID WASTE REGISTRATION # (SWR)	87775
Location:	2001 GULFWAY DR BLDG 1746, PORT ARTHUR, TX, 77640		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	May 23, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 23, 2002 to May 23, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Mike Limos Phone: 512.239.5839

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 1 12/22/2006 (516525)
 2 12/29/2006 (513277)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INEOS AMERICAS LLC
RN104791421

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-0820-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS Americas LLC ("INEOS") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and INEOS, represented by John J. Vay, appear before the Commission and together stipulate that:

1. INEOS owns and operates a cumene production facility located at 2001 Gulfway Drive, Bldg. 1746, Port Arthur, Jefferson County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The Commission and INEOS agree that the Commission has jurisdiction to enter this Agreed Order, and that INEOS is subject to the Commission's jurisdiction.
4. INEOS received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by INEOS of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of six thousand eight hundred eighty dollars (\$6,880.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). INEOS has paid six thousand eight hundred eighty dollars (\$6,880.00) of the administrative penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and INEOS have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that INEOS has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Conducted a hazardous waste determination for the cumene unit's wastewater;
 - b. Implemented a program to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal;
 - c. Updated the Facility's Notice of Registration;
 - d. Implemented a program to begin properly completing hazardous waste manifests;
 - e. Updated the Facility's contingency plan; and
 - f. Began maintaining accurate records of RCRA training of Facility personnel.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that INEOS has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

1. INEOS is alleged to have violated:

- a. 30 TEX. ADMIN. CODE §§ 335.62 and 40 CFR § 262.11, by failing to complete hazardous waste determinations. Specifically, INEOS failed to conduct a hazardous waste determination for the cumene unit's wastewater;
- b. 30 TEX. ADMIN. CODE § 335.9(a)(1), by failing to keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Specifically, there was insufficient documentation for waste determination and classification of waste streams 0007512H, 0001409H, and 0002301H;
- c. 30 TEX. ADMIN. CODE § 335.6(c), by failing to update the Facility's Notice of Registration ("NOR"). Specifically, the NOR did not contain updated information regarding the Facility's primary contact information, process wastewaters, and the T-2000 wastewater management unit;
- d. 30 TEX. ADMIN. CODE § 335.10(c) and 40 CFR § 262.20(a)(1), by failing to properly complete hazardous waste manifests. Specifically, box I on manifest numbers 3918930, 3773014, and 3773013 did not contain the Texas Waste Codes;
- e. 30 TEX. ADMIN. CODE § 335.112(a)(3) and 40 CFR § 265.52(e), by failing to maintain an adequate contingency plan. Specifically, the Facility's contingency plan did not include a list of all emergency equipment on site or the location and description of the equipment; and
- f. 30 TEX. ADMIN. CODE § 335.69(a)(4), and 40 CFR §§ 262.34(a)(4) and 265.16(d)(4), by failing to maintain accurate records of RCRA training of Facility personnel. Specifically, the amount of RCRA training of Facility personnel on October 23 and 24, 2006, was not recorded.

III. DENIALS

1. INEOS generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

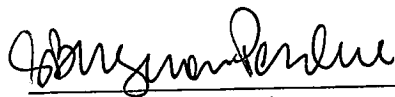
1. It is, therefore, ordered by the TCEQ that INEOS pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and INEOS's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here.

2. The provisions of this Agreed Order shall apply to and be binding upon INEOS.
3. This Agreed Order, issued by the Commission, shall not be admissible against INEOS in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to INEOS, or three days after the date on which the Commission mails notice of the Order to INEOS, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/11/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or INEOS's failure to timely pay the penalty amount, may result in:

- A negative impact on INEOS's compliance history;
- Greater scrutiny of any permit applications submitted by INEOS;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against INEOS;
- Automatic referral to the Attorney General's Office of any future enforcement actions against INEOS; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

Ron Deakins
Signature

10/8/08
Date

Ron Deakins
Name (Printed or typed)
Authorized representative of
INEOS Americas LLC

VP Operations - US
Title